



City of Annapolis

Department of Planning & Zoning
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Board of Appeals

June 2, 2015

The Board of Appeals of the City of Annapolis held its regularly scheduled meeting on June 2, 2015 in the City Council Chambers. **Chair** Meyers called the meeting to order at 7:07pm.

Members Present: D. Meyers-**Chair**, C. Zazzali-**Vice Chair**, R. Gallagher, V. Garcia

Staff Present: G. Elson-Board Attorney, P. Gutwald, M. Leahy, K. Scott, J. Rouse

C. APPROVAL OF THE AGENDA

Ms. Garcia moved approval of the agenda as submitted. **Vice Chair** Zazzali seconded the motion. The motion passed unanimously in a vote of 4-0.

D. PUBLIC HEARING

1. Taco Bell Special Exception – SE2015-001

Ms. Rouse presented the City's review of the Taco Bell special exception application and recommend approval of the application.

Mr. Delavan, Attorney, presented the applicant's case.

Mr. Carlucci, Applicant, was called to testify on the application.

Mr. Martin, Principal Bay Engineering, was called to testify on behalf of the applicant.

Mr. Schmid, Traffic Engineer, was called to testify on behalf of the applicant.

Mr. Tullier, Land Planner, was called to testify on behalf of the applicant.

Mr. Wilson, Architect, was called to testify on behalf of the applicant.

Public testimony opened at 8:47pm and those speaking on the application are listed below.

Name	Address	In Favor	In Opposition	Commented On
Alex Pline	305 Monterey Avenue		X	

No one else from the public testified on the application so **Chair** Meyers declared the public hearing closed at 8:53pm.

Chair Meyers accepted the following exhibits into the record.

Exhibit Number	Board of Appeals Exhibit Type
1	Staff Memorandum dated April 28, 2015 with attachments
2	Taco Bell Site Proposed Plan Plotted June 1, 2015
3	Delavan Letter dated May 29, 2015
4	1803 West St. Site Signage Diagram and Cut Sheets
5	Alex Pline written testimony

The Board recessed at 8:57pm and reconvened at 9:02pm.

2. Hollander Appeal, #APL2015-001- Continued

Mr. Daniel Mellin, Attorney, spoke on behalf of the applicant.

Mr. Hodgson, Attorney, spoke on behalf of the appellant.

Both provided closing arguments on the application.

Chair Meyers accepted the following exhibits into the record.

Exhibit Number	City Staff Exhibits – Submitted 4/7/15
1	Staff memorandum dated March 31, 2015 with attachments
Exhibit Type	City Staff Exhibit – Submitted 5/5/15
2	Email to Staff copy of photograph of the property
Exhibit Type	Appellant Exhibits – Submitted 4/7/15
1	24 Spa View Circle Vicinity Map dated 11/6/14
2	Waterway and Front Yard Setbacks as indicated by Ed Brown and Terry Shuman
3	Overlay of the Positioning of Structures on each lot as calculated by Ed Brown and Terry Shuman
4	Architectural Rendering of Subject Property
5	Gregory Lines Resume
6	Set of Images Copied from Nasser Development Company website
7	Hodgson Memorandum dated 4/7/15
8	Packet of Photographs
9	24 Spa View Circle Bulkhead Photograph
Exhibit Type	Appellant Exhibits – Submitted on 6/2/15
10	Hodgson Letter dated May 22, 2015
Exhibit Type	Applicant Exhibits – Submitted on 4/7/15
1	Applicant's Exhibit Packet "1" – "16"
2	Order dated 3/5/07
3	Declaratory Judgment Order dated 10/15/2010
4	Schwab Landscape Plan L1
Exhibit Type	Applicant Exhibits – Submitted on 5/5/15
5	Large Photograph of the Property and House
6	Small Photograph of the Property and House
7	Mr. Brown Calculations on the Site Plan
Exhibit Type	Applicant Exhibits – Submitted on 6/2/15
8	Mellin Letter dated June 1, 2015
9	Average Setback Calculations

E. APPROVAL OF MINUTES

Mr. Gallagher moved approval of the May 5, 2015 meeting minutes as written. Ms. Garcia seconded the motion. The motion passed unanimously in a vote of 3-0. (Zazzali abstained)

F. SIGNING OF OPINIONS

Davis Variance VAR2015-002

Mr. Gallagher moved approval of the opinion as written. Ms. Garcia seconded the motion. The motion passed unanimously in a vote of 3-0 (Zazzali abstained)

G. DELIBERATIONS

2. Hollander Appeal – APL2015-001

Vice Chair Zazzali did not participate in the voting.

Mr. Gallagher moved to grant appeal because it is believed that the front yard setback was erroneous determined and the findings are that it should be calculated based on Section 21.38.030 F3C. Ms. Garcia seconded the motion. The motion passed unanimously in a vote of 3-0.

Mr. Gallagher motioned to remand the case back to Planning and Zoning for consideration under the criteria of Section 21.38.030 F3C. Ms. Garcia seconded the motion. The motion passed unanimously in a vote of 3-0.

1. Taco Bell, SE2015-001

Vice Chair Zazzali moved to grant the Taco Bell special exception as submitted and delete the last sentence in Condition 11 to replace it with language that reads "In exchange for properly prepared lighting plan." Ms. Garcia seconded the motion. The motion passed unanimously in a vote of 4-0.

H. ADJOURNMENT

With there being no further business, Mr. Gallagher moved to adjourn the meeting at 10:37pm. **Vice Chair** Zazzali seconded the motion. The motion passed unanimously in a vote of 4-0.

Tami Hook, Recorder